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Attorneys for Defendant CAPITOL RECORDS, LLC

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

RALPH VIERRA TAVARES, ARTHUR
PAUL TAVARES, FELICIANO VIERRA
TAVARES, ANTONE LAWRENCE
TAVARES, and PERRY LEE TAVARES,
individually and jointly p/k/a "TAVARES," on
behalf of themselves and all others similarly
situated,

Plaintiffs,

vs.

CAPITOL RECORDS, LLC,

Defendant.

) Case No. 4:12-cv-03059-YGR

) Assigned to: Hon. Yvonne Gonzalez Rogers

) **STIPULATION AND [PROPOSED]**
) **ORDER CONTINUING HEARING ON**
) **DEFENDANT'S MOTION TO DISMISS**
) **FIRST AMENDED COMPLAINT, AND**
) **MODIFYING BRIEFING SCHEDULE**

1 **WHEREAS**, Plaintiffs filed the original complaint in this action on June 14, 2012;

2 **WHEREAS**, Plaintiffs filed a First Amended Complaint on August 3, 2012;

3 **WHEREAS**, on August 17, 2012, defendant Capitol Records, LLC (“Capitol”) filed a
4 motion to dismiss and to strike pursuant to Rule 12 of the Federal Rules of Civil Procedure (the
5 “Motion”), which Motion was scheduled for hearing on September 25, 2012;

6 **WHEREAS**, Plaintiffs’ opposition to the Motion was due on August 31, 2012;

7 **WHEREAS**, due to unforeseen technical difficulties, Plaintiffs’ opposition to the Motion
8 was not filed until September 1, 2012;

9 **WHEREAS**, the parties have agreed to extend the deadline for Capitol to file its reply in
10 support of the Motion by one business day, to September 10, 2012;

11 **WHEREAS**, motions to dismiss in two cases that have been found related to this action –
12 namely, *Beltran v. Capitol Records, LLC*, Case No. 12-cv-1002 YGR, and *Bozzio v. EMI Group*
13 *Limited*, Case No. 12-cv-2421 YGR – have been set for October 2, 2012;

14 **WHEREAS**, in light of the slight modification to the briefing schedule referenced above,
15 and the existing hearing date in *Beltran* and *Bozzio*, the parties have further agreed to continue the
16 hearing on the Motion from September 25, 2012, to October 2, 2012;

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1 **NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED,** by and between
2 counsel for Plaintiffs and Capitol, that:

- 3 1. The deadline for Capitol to file any reply brief in support of the Motion is hereby
4 extended to and including September 10, 2012, and
5 2. The hearing on the Motion is hereby continued from September 25, 2012, to October
6 2, 2012 at 2:00 p.m.

7 Dated: September 4, 2012

By: /s/ Rollin A. Ransom

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13 Attorneys for Defendant Capitol Records, LLC

14 Dated: September 4, 2012


By: /s/ Michael F. Ram

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20 Attorneys for Plaintiffs

21 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

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23 Dated: September 7, 2012

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25 Hon. Yvonne Gonzalez Rogers
26 United States District Judge
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FILER'S ATTESTATION

Pursuant to L.R. 5-1(i)(3), I, R.C. Harlan, attest that Rollin A. Ransom and Michael F. Ram provided their authority and concurrence to file the instant document and place their electronic signatures on the document set forth above.

By: /s/ R.C. Harlan